

Criminal Revision No. 45 of 2003

Hon'ble Irshad Hussain, J.

Heard Sri Rajendra Singh
learned counsel for the revisionists and
learned A.G.A.

This is a petition seeking the
quashing of order dated 19.1.2003
passed by Additional Session Judge/Ist
Fast Track Court Roorkee whereby the
application preferred by the
complainant-revisionist under section
193 of the Code of Criminal Procedure
was dismissed.

The F.I.R. regarding the incident
of murder was filed. After investigation
by the civil police only one person was
charge sheeted. The contention of the
petitioner complainant was that others
were also involved in the conspiracy to
commit the murder of the deceased of
that incident. Considering this the
application U/S 193 Cr.P.C. was
preferred before the Sessions Court to
summoned them but the same was
dismissed. It is also stated that the
further investigation is pending with the
C.B. C.I.D. It is well settled that Court
can not direct the investigating agency to
proceed in a particular manner in regard
to the investigation of the crime as laid
down by the Privy Council in the case ***A
1945 Privy Council 18; Kwaja Nazeer
Ahmad vs. Emperor.***

In view of above the petition is
misconceived and the same is dismissed
in limine.

(Irshad Hussain, J.)

Dated 15-9-2003

ISB